

SECTION 1.02
PROPOSAL REQUIREMENTS AND CONDITIONS

1.02.01--Contents of Proposal Forms : Prospective bidders qualifying under Article 1.02.02 will be furnished with proposal forms issued by the Contract Section at the main office of the Department. The proposal forms will state the location and description of the work to be done and will show the estimate of the various quantities of the work to be performed and materials to be furnished, the number of calendar days in which the construction work must be completed, and the date and time of the opening of proposals. The bidder will be furnished with any special provisions or requirements which vary from or are not contained in the Standard Specifications.

The proposal forms are nontransferable. Any prospective bidder who has been issued a proposal form and transfers the proposal form to any other person, party or corporation may be found non-responsible as a bidder for current projects or barred from future bidding. The proposal of a bidder who has not been issued the proposal form directly by this Department may be rejected.

1.02.02--Competency of Bidder: The Commissioner reserves the right to disqualify or refuse to issue a proposal form to any individual, partnership, firm or corporation for reasons including, but not limited to any of the following:

- (1) For having defaulted on a previous contract.
- (2) For having failed, without acceptable justification, to complete a contract within the contract period.
- (3) For having failed to prosecute work in accordance with contract requirements.
- (4) For having performed contract work in an unsatisfactory manner.
- (5) For having failed to prosecute work continuously, diligently and cooperatively in an orderly sequence.
- (6) For having failed to file with the Department a recent sworn statement on the form furnished by the Department fully outlining the capital, equipment, work on hand and experience of the bidder; such statement to be valid, must be on file with the Department at least 20 calendar days before application for a proposal form is made.
- (7) For filing a sworn statement with the Department which, in the Commissioner's judgement, indicates that the bidder does not have the required experience in the class of work to be bid on, does not have the proper labor and equipment to prosecute the work within the time allowed, or does not have sufficient capital and liquid assets to finance the work.

1.02.03--Interpretation of Estimate: The quantities shown on the proposal form are approximate only and are given as a basis of calculation upon which the award of the Contract is to be made. The Department does not assume any responsibility that these quantities shall remain unchanged in the actual construction, and the Contractor shall not plead misunderstanding or deception because of any variation between estimated and final quantities. The Engineer reserves the right to increase or decrease any or all of the quantities shown on the proposal form as may be necessary to properly complete the Project.

Payment will be made for the actual quantity of authorized and accepted work done or material furnished under each of the items.

1.02.04--Examination of Plans, Specifications, Special Provisions and Site of Work: The bidder is required to examine carefully the site of work, and the proposal form, plans, special provisions, specifications, supplemental specifications, Contract form and other Contract documents for the work contemplated; and it will be assumed that the bidder has judged for and satisfied itself as to the conditions to be encountered, as to the character, quality and quantities of the work to be performed, materials to be furnished, and as to the requirements of the above documents, and in particular, but not limited to, what is required under each Contract item, or under the general cost of the work,

or under another or more general Contract item in the absence of particular items.

The subsurface information furnished is based on the interpretation by the Department of investigations made only at the specific locations indicated, and no assurance is given that these conditions are necessarily typical of other locations or that they have remained unchanged since the field data were obtained. No assurance is given that the presence or absence of water in subsurface explorations at the time of these explorations will be representative of actual conditions at the time of construction. Such subsurface information as was obtained by the Department for its use in the design of the Project will be available for inspection by bidders through the Division of Contracts. Also, if available, samples of the materials encountered in the subsurface explorations may be examined by bidders at a location specified by the Department under advance arrangements made through the Division of Contracts. The Contractor shall be solely responsible for all assumptions, deductions, or conclusions it may make or derive from its examination of any Department subsurface information, document or sample. In furnishing or making available such information, the Department makes no warranty or representation as to the actual conditions that may be encountered or actual quantities or distribution of quantities of work which will be required.

Plan sheets furnished to the State by various utility companies affected by the proposed construction are not intended to show all proposed work in utility installations to be done by the various utility companies or municipal authorities or both before, during, or after the life of this Contract. In addition to the work indicated on these plans, the utility companies and authorities may make adjustments to or remove certain of their installations other than those indicated on the plans or may install facilities not indicated.

Bidders must inform the Department, at the earliest opportunity, in writing, of any and all omissions, errors, and/or discrepancies within or among the plans, specifications, and bidding documents which a bidder discovers. Such inquiries, in addition to inquiries concerning the conditions of bidding or award or the interpretation of contract documents are to be made in writing and directed to the Transportation Manager of Contracts, Connecticut Department of Transportation, P. O. Box 317546, Newington, Connecticut 06131-7546. The Department cannot ensure a response to inquiries received later than ten (10) days prior to the scheduled bid opening. When warranted, responses to such inquiries that relate to changes in, or interpretations of, the Project documents (plans and specifications) will be issued to all bidders in the form of addenda and made a part of the Contract. Bidders are responsible for ensuring that they are aware of all addenda. Failure by the Department or postal or other courier services to deliver addenda or other information regarding a Contract being bid does not release the bidder from any obligations under the conditions of the bid.

1.02.05--Preparation of Proposals: The bidder must submit its proposal on the forms furnished by the Department. The blank spaces in the proposal must be filled in correctly where indicated, for each and every item given; and the bidder must state, both in words and in numerals, written or printed in ink, or typewritten, the unit prices for which the bidder proposes to do each item of the work contemplated. No unit or lump sum bid price may be expressed, in whole or in part, as a fraction of a cent. In case of a discrepancy between the words and the numerals, the words shall govern. Ditto marks are not considered writing, printing or typewriting, and shall not be used. The bidder shall also show the total amount of its bid in the space provided in the proposal form. In case of any discrepancy, the unit prices shall govern in determining the correct amount of the bid. The bidders shall sign their proposal correctly. If the proposal is made by an individual, his or her name and post office address must be shown. If the proposal is made by a firm, partnership or corporation, the proposal must be signed by an official of the firm, partnership or corporation authorized to sign contracts, and must also show the post office address of the firm, partnership or corporation.

1.02.06--Rejection of Non-Responsive Proposals: Proposals may be rejected if they show any irregularities, omissions, alteration of form or additions not called for, or do not comply with instructions to bidders, or contain conditional or alternate bids, unless alternate bids or bids on alternate materials are specifically called for in the proposal form.

1.02.07--Proposal Guaranty: Except when otherwise specified in the bid documents, no proposal will be considered unless; (a) it is accompanied by a proposal guaranty in the form of a bond from a surety company, satisfactory to the Commissioner, on the form furnished by the Department, in an amount equal to at least one-third of the amount of the bid; or (b) the bidder has on file in the Contract Section a current annual bid bond, satisfactory to the Commissioner, on the form provided by the Department, for an amount equal to at least one-third of the aggregate amount of all current bids by the bidder for the Department's contracts.

At the time of the bid opening, the surety must be a corporate surety licensed by the Insurance Commissioner of the State of Connecticut and must hold a Certificate of Authority as an acceptable Surety and/or Reinsuring Company acceptable to the Federal Department of Treasury. The surety's underwriting limitation must not be less than the full amount required by the bond itself.

1.02.08--Delivery of Proposal: Each proposal must be submitted in a sealed envelope, furnished by the Department. The blanks showing the name of the town and the description of the work to be done must be correctly filled in, and the envelope must be delivered at the Office of the Commissioner, on or before the hour and date set forth in the bid advertisement for the opening of proposals, unless the bidder is otherwise directed.

1.02.09--Withdrawal of Proposals: A bidder will be given permission to withdraw any proposal after it has been deposited with the Commissioner, provided the bidder makes its request in writing to the Commissioner; and at the time of the opening of the proposals, when such proposal is reached, it will be returned to the bidder unopened. All requests pertaining to the withdrawal of proposals must be presented to the Commissioner prior to the time of opening any proposals for the project in question.

1.02.10--Public Opening of Proposals: Proposals will be opened publicly and read aloud at the time, date and place set forth in the bid advertisement, unless the bidder is otherwise directed.

1.02.11--Miscellaneous Grounds for Rejection of Proposals: No bidder, whether under the same or a different name, may submit more than one bid proposal for a given project; if more than one such proposal is received from a bidder, the Commissioner will reject all such proposals from that bidder for that project. No bidders that have mutual financial interests, or common ownership, directors, officers or principal shareholders (i.e., shareholders holding at least five percent [5%] of either the common or the preferred shares of the company's stock) may bid for the same Department contract. Such proscribed bidders shall include, but not be limited to, affiliates and subsidiaries of each other. If any non-bidding party has an ownership interest in more than one bidder that is bidding for a given contract, either directly or through the non-bidding party's ownership interests in another company, no matter how high up or far removed in a vertical or horizontal chain of ownership that party might be from the bidders, the bids of those bidders shall not be accepted. In addition, with respect to any given Department contract that is advertised for bidding, no bidder owned by, or in the chain of ownership of, a company which provides surety bonds may bid against a bidder for whom a bond has been or will be provided by that company for the given contract bidding. All bids proscribed by the terms of this paragraph shall be rejected by the Commissioner.

If the Commissioner has reason to believe that collusion has occurred among bidders with respect to a given project, the proposals of the suspected colluders will be rejected, and the suspected colluders will not be allowed to participate in any subsequent re-bidding for that project.

If the Commissioner believes that any prices in a proposal are unbalanced, the Commissioner may reject that proposal.

1.02.12--Vacant

1.02.13--Bidders' Knowledge of Applicable Laws: Bidders shall be deemed to know and understand all federal, state and local laws, ordinances and regulations and municipal bylaws which in any manner apply to projects for which they bid; such legal requirements shall include but not necessarily be limited to those which apply to the conduct of the Project work, the equipment and materials to be used on the Project, or the treatment of individuals or classes of individuals in relationship to their involvement with the Project. A Contractor's ignorance of such requirements shall not, in any internal Department proceeding or in any claims or other legal proceeding, constitute justification for the Contractor's failure to consider such requirements in formulating a bid proposal, or for the Contractor's failure to ensure that such legal requirements are met with regard to any Department project in which that Contractor participates.

1.02.14--Sworn Statement by Bidder: The bidder submitting a proposal shall file with the Department a sworn statement executed by, or on behalf of, the person, firm, association, partnership or corporation submitting the proposal, certifying that such person, firm, association, partnership or corporation has not, either directly or indirectly, entered into any agreement, participated in any collusion, or otherwise taken any action in restraint of free

competitive bidding in connection with such proposal.

This sworn statement shall be an affidavit on a form supplied by the Department, executed and sworn to before a person who is authorized by the laws of the State to administer oaths, and shall be filed with the Department at the time of bidding.

1.02.15--Required Certifications of Eligibility to Bid Except as the Contractor may explain in a writing attached to a Contractor's bid proposal, the signature on behalf of the Contractor on its bid shall constitute certification that the bidder and all persons associated with it in the capacity of owner, partner, director, officer, manager, internal auditor, or in any position involving the control or use of funds received from a federal or state agency in connection with construction activities:

- (a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in contracts or other programs by any state or federal department or agency;
- (b) Have not, within a three-year period preceding preparation of the bid proposal, been convicted of or had a civil judgment rendered against them for commission of fraud or a criminal offense in connection with obtaining or attempting to obtain a government contract, or performing under the terms of a government or quasi-governmental transaction or contract; and have not violated any laws concerning antitrust practices, embezzlement, theft, forgery, bribery, falsification or destruction of records, the making of false statements, or receiving of stolen property;
- (c) Have not been indicted for or otherwise charged by a governmental entity with commission of any of the types of offenses described in paragraph (b) above; and
- (d) Have not within a three-year period preceding the preparation of the bid proposal, had a government transaction or contract to which it was a party terminated for cause or default.

If a Contractor is unable to make the certification described above, the Contractor shall attach to its proposal a detailed explanation of the extent and reason for that inability.

Any Contractor submitting a proposal shall ensure that each of the Contractor's lower-tier participants in the Project (including, among any others, each subcontractor, supplier, materialman, lessor and vendor) prior to each lower-tier party's participation in the Project, makes the same certification that is required of bidders under the preceding provisions of this article. A copy of the required certification shall be provided by the Contractor to each of its proposed lower-tier participants.

If any such proposed lower-tier participant is unable to make the full required certification, it shall submit to the Contractor a detailed explanation of the extent and reason for that inability and the Contractor shall submit a copy of said explanation to the Engineer. If no such explanation from any proposed lower-tier participant is submitted by a Contractor, the Contractor shall be deemed to have thereby certified that all of its proposed lower-tier participants in the Project have made the full required certification as required under this article.

By virtue of federal regulations, no person currently suspended, debarred or voluntarily excluded under 49 C.F.R. Part 29 or otherwise determined to be ineligible, as defined by said regulations, will be eligible to bid for or participate in any federal-aid project administered by the Department. By submitting a proposal to the Department, the Contractor agrees that if it should be awarded the contract for such a federal-aid project it will not knowingly enter into any lower-tier transaction on that project with a person (including entities) who, by virtue of federal law or regulation, or by voluntary agreement, is currently ineligible to participate in such a project, unless after disclosure of such ineligibility, such participation is authorized by appropriate federal and State authorities.